

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, October 13, 2016**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo, Stephen Farr, Peter Oehlkers, Alison Richardson, Cory Rhoades (arrived @ 7:50 p.m.), Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Brian Balder, Patricia Carey, Brian Demetric, Mike DeRosa, Ross Donald, Jeff Griffor, Joyce Hastings, Jeff Heller, Tom Mungovan, Steve Popper, Chris Porter, Mary Rimmer, Andy Truman, Susan Whalen

J. Carter Bernardo opened the public meeting at 7:30 pm.

MISCELLANEOUS BUSINESS:

INVASIVE SPECIES CONTROL DISCUSSION – JEFF HELLER

A member of the public, Jeff Heller, came before the Commission to discuss the problem of invasive/non-native vegetation species control in the Town of Needham. He asked that the Commission encourage other Departments to help control invasive species and to work on educating the public about the issue. J. Carter Bernardo stated that the Commission is very active in recommending invasive species control to Applicants. He also recommended potential wood lot management in Town. M. Varrell stated that the Open Space & Recreation Advisory Group will be having a public meeting forum in November and that would be a good place for him to discuss these issues. P. Oehlkers is on the Advisory Group and a great advocate for the topic.

MEETING MINUTES:

Motion to approve the Meeting Minutes of July 28, 2016 by S. Farr, seconded by P. Oehlkers, approved 4-0-0.

Motion to approve the Meeting Minutes of August 25, 2016 by P. Oehlkers, seconded by A. Richardson, approved 4-0-0.

Motion to approve the Meeting Minutes of September 29, 2016 by S. Farr, seconded by P. Oehlkers, approved 4-0-0.

ENFORCEMENT & VIOLATION UPDATES:

1332 GREAT PLAIN AVENUE

M. Varrell reported that per the Enforcement Order, the Applicant has submitted the Amendment Request.

947 WEBSTER STREET

M. Varrell explained that the original Applicant had been issued a Certificate of Compliance for the project. The owner had been permitted to remove an existing shed but chose to renovate it. The new owner has cleared most of the vegetation located in the 25-foot Buffer Zone and a portion of the Bordering Vegetated Wetland. M. Varrell directed the owners to submit a Restoration Plan to the Commission for review. He instructed them to re-install the erosion controls. The proposed Restoration Plan was reviewed by A. Richardson, who provided comments. The owner will submit a Notice of Intent application for the November 10, 2016 public meeting including the proposed restoration plan and other work they hope to do.

The homeowner, Jeff Griffor, explained they had been trying to remove building debris left by the owners of the previous home that had been torn down. The landscaper, Brian Demetric, agreed that there was a lot of debris in that area. M. Varrell stated that the owner has asked to start with the mitigation planting work immediately. M. Varrell stated that permanent markers were not required for this project.

The owner is proposing to relocate the existing birch trees that were installed as part of the mitigation for the project to the disturbed 25-foot Buffer Zone. A. Richardson explained that birch trees don't do well being transplanted in the fall. They should wait until the spring to relocate them if they can. The Commission will allow the plantings prior to submission of the Notice of Intent. The Applicant will submit the Notice of Intent for the November 10, 2016 public meeting.

HEARINGS

NOTICE OF INTENT – 232 MAY STREET (DEP FILE #234-7XX)

J. Carter opened the public hearing at 7:55 pm. She stated that DEP had not yet issued a File number.

The Applicant, Tom Mungovan, the Applicant's representative, Joyce Hastings from GLM Engineering Consultants and the contractor, Michael Lenahan were present. J. Hastings stated that the house was constructed in 1926. There is currently no vehicular access to the house itself, it is accessed through a series of stairs. There is an existing driveway that ends at a single-car garage. A wetland system associated with an intermittent stream runs behind the property.

The proposed project includes reconstruction of several failing retaining walls located along this steep portion of the lot. They propose to remove the existing walls and replace them with interlocking block retaining walls. In addition, they propose removing the existing garage and installing a ramp parallel to the retaining walls and a new garage. In order to create a path for equipment to access the area in order to bring materials up to construct the retaining walls, fourteen (14) trees will need to be removed.

No work is proposed in the 25-foot Buffer Zone but the majority of the work is within the 25-foot to 50-foot Buffer Zone. A Waiver Request is required for work in the forested 50-foot Buffer Zone as it provides wildlife habitat. The proposed erosion control will be staked straw bales and silt fence. The plan will be revised to depict a total of twenty-eight (28) trees of various species and shrubs will be installed to replace what are mainly Pine trees being removed. The proposed garage will have a retaining wall for one side. There is a safety issue backing cars out of the driveway. They plan to add a spur to the driveway so they can turn around in the driveway. The walkways and patio will be replaced with pavers and/or concrete.

M. Varrell agreed the lot is very steep and the design and build will be very challenging, requiring oversight. There was discussion regarding work in the sensitive 50-foot Buffer Zone. The adjacent wetland is part of conservation land known as Skunk Hollow.

Motion to continue the public hearing for submittal of additional information and DEP File number for 232 May Street (DEP File #234-7XX) to October 27, 2016 at 8:15 pm. by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

0 ROSEMARY STREET (ROSEMARY POOL) – continued NOTICE OF INTENT (DEP FILE #234-764)

J. Carter Bernardo opened the public hearing at 8:20 pm. C. Rhoades recused himself from the Hearing, as he is listed as an abutter.

J. Carter Bernardo stated that she had reviewed the Stormwater Calculations and provided comment to the project Engineer. M. Varrell stated that DEP has listed “No Comments” on their website for the project.

The Applicant’s consultant, Andy Truman of Samiotes, stated they had filed with the Planning Board and are on their November 15, 2016 Agenda. Existing and proposed stormwater management was discussed. An updated hydrology report will be submitted. The invasive species located on the rear slope are an issue. They are proposing to remove the top 12-inches of topsoil to include the seeds. They will tag and flag vegetation proposed for removal for review prior to removal and they will save any native, healthy vegetation. A new landscaping plan will be submitted for review.

There was a discussion related to the proposed dumpster location. They were trying to find a new proposed location further from the trail head to keep the dumpster but it was not possible due to necessary truck access. A wildlife study had been completed in 2010, which will be incorporated into the supplemental information to be submitted to the Commission. An area of beach abutting the lake where a fence is proposed may potentially be a turtle nesting site. As the fence is a required safety feature, they will set the fence with a 12-inch gap beneath for access to the beach by the turtles.

Town Meeting member, Ross Donald expressed his concern regarding the placement of the proposed dumpster near the trail head.

Motion to continue the public hearing for 0 Rosemary Street (Rosemary Pool) for additional information (DEP File #234-764) to October 13, 2016 at 8:30 p.m. by S. Farr, seconded by P. Oehlkers, approved 5-0-1. C. Rhoades abstained

OTHER BUSINESS

REQUEST FOR MINOR MODIFICATION – 1516 CENTRAL AVENUE (DEP FILE #234-758)

The Applicant’s representatives, Joyce Hastings of GLM Engineering Consultants and the property manager, Michael Lehanan presented the proposed modification. The proposed modification is to the existing approved mowing plan. J. Hastings stated the Applicant is requesting to revise the limits of the yearly approved mowing area to include the field located

past the intermittent stream channel and allow hand trimming of shrubs along the banks to keep the wet meadow characteristics.

J. Hastings stated that she had also revised the mowing agreement to reflect the plan revision. She also requested a onetime extension of the end date for mowing for this year so they can follow the newly revised plan.

Motion to approve the Minor Modification request to the mowing plan and the mowing extension request (to November 15, 2016) for 1516 Central Avenue (DEP File #234-758) by C. Rhoades, seconded by P. Oehlkers, approved 6-0-0.

REQUEST FOR A CERTIFICATE OF COMPLIANCE – 1910 CENTRAL AVENUE (DEP FILE #234-748)

M. Varrell had previously suggested the Commission hold off issuing the Certificate of Compliance until the grass a chance to fill in and the site a chance to stabilize. M. Varrell reported the grass had adequately established and recommended issuance of the Certificate of Compliance.

Motion to issue a Certificate of Compliance for 1910 Central Avenue (DEP File #234-748) by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 1332 GREAT PLAIN AVENUE (DEP FILE #234-570)

M. Varrell stated that the Applicant had completed the planting of the restoration area in response to the violations recorded during the COC inspection. In addition, the required Amendment request has been submitted and will be on the Agenda at the next meeting. The recording of the deed restriction is still outstanding. No action taken, pending further action by the Applicant.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 32 MARANT DRIVE (DEP FILE #234-403)

M. Varrell stated the Permit had been issued in 2002. The file indicated that there had been numerous of violations and enforcement actions by the Commission. Not all approved components of the project were completed, however; the work that was done appears to be in compliance. Several outstanding permit requirements were identified, including: permanent markers were not installed; and a deed restriction and plan was not submitted for the Commission's approval to record at the Registry of Deeds. In addition, there is a Special Condition that limits mowing in the Riverfront Area that had been an enforcement issue in the past and may still be an issue.

Mike DeRosa of DeRosa Environmental represented the Applicant, Brian Balder. M. DeRosa stated that Mr. Balder has only been mowing the area twice a year. B. Balder stated he had mowed approximately one month ago. Mr. Balder stated that his neighbor owns the adjacent field and mows that field regularly. M. Varrell stated that the Special Conditions only allows mowing once a year to 6-inches in height. B. Balder described a rodent problem they have had for several years. He admitted to mowing twice a year to alleviate the rodent problem.

M. DeRosa explained that two parts of the project never took place. The approved pool and sport's court were never constructed. Four markers were supposed to be installed along the 25-foot Buffer Zone and four more at the tennis courts and four more at the 200-foot Riverfront Area. None of the markers have been installed at this point. The Commission required markers to be installed at the 200-foot Riverfront Area limit and the 25-foot Buffer Zone. M. Varrell suggested bird boxes may work well as markers in these areas. There was discussion of the mowing plan going forward. The Commission will not issue the Certificate of Compliance until the monuments are installed and an approved permanent restriction and plan is recorded.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 470 DEDHAM AVENUE (DEP FILE #234-675)

M. Varrell explained that the COC request had first been submitted in 2014, however during the review it was found that the required oil/grit separator had not been installed in the parking lot. At that time they withdrew their request for a COC. The town submitted a statement from a Professional Engineer stating that installation of the separator would not be of benefit due to the current stormwater flow paths in the area.

Motion to issue a Certificate of Compliance for 470 Dedham Avenue (DEP File #234-675) by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 28 ROBINWOOD AVENUE (DEP FILE #234-714)

M. Varrell explained that they had received a partial Certificate of Compliance in November 2014 with the two year monitoring requirement outstanding. Dr. John Rockwood had submitted a monitoring report on the Applicant's behalf stating the plantings were in good shape and met the 75% survival rate required in the Order.

Motion to issue a Certificate of Compliance for 28 Robinwood Avenue (DEP File #234-714) by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

Motion to adjourn the meeting by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

The meeting was adjourned at 9:10 pm.

NEXT PUBLIC MEETING

Thursday, October 27, 2016 at 7:30 PM in the Public Services Administration Building, Charles River Room.